

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JERRY LEON DEES, JR.,

Plaintiff,

Vs.

HYUNDAI MOTOR MANUFACTURING
ALABAMA, LLC, and HYUNDAI
MOTOR AMERICA, INC.,

Defendants.

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CASE NO.
2:07-cv-00306-MHT-CSC

**PLAINTIFF’S RESPONSE IN OPPOSITION TO DEFENDANTS’ MOTION TO
CONTINUE**

COMES NOW the Plaintiff, JERRY LEON DEES, JR. (“Dees”), and respectfully objects to Defendants’ motion to continue this case from its current April 14, 2008 trial setting, stating as follows:

1. This case has had substantially the same trial setting since the parties agreed in its Report of Parties Planning Meeting (Doc. 18), and has been vigorously litigated by all parties.
2. Until just recently, Defendants had the same, competent counsel mounting its defense.
3. On February 5, 2008, Timothy Palmer appeared for Defendants, ostensibly to try the case (Doc. 111). Mr. Palmer is with the same law firm as other Defendants' counsel – Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
4. On March 7, 2008, Palmer gave the Court notice of a conflict with the trial date in this cause.
5. Now, predictably, Defendants move to continue this case.

6. Since Ogletree Deakins is a national law firm with approximately 33 offices and literally hundreds of attorneys. Since Mr. Palmer just joined the defense team, Defendants would not be prejudiced by replacing Mr. Palmer on its defense team.

7. Plaintiff, however, would be greatly prejudiced by a trial delay. As Mr. Dees has already testified, he is anticipating getting sent back to Iraq for a third tour of duty sometime this year. [Dees Depo. at 78:9-79:3] Any delay may well push this case until after Mr. Dees is in-country.

8. Plaintiff submits that he is ready for trial.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully objects to Defendants' requested continuance of the trial of this case, and asks the Court to deny Defendants' motion for a continuance.

Respectfully submitted,

s/ Jeffrey R. Sport
Jeffrey R. Sport (SPORJ5390)

OF COUNSEL:

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 1st day of April, 2008, electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

Timothy A. Palmer, Esq.
J. Trent Scofield, Esq.
T. Scott Kelly, Esq.
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Matthew K. Johnson, Esq.
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s/ Jeffrey R. Sport _____
COUNSEL

FREEDOM COURT REPORTING

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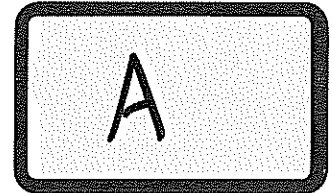
11 MOTOR AMERICA, INC.,

12 Defendants.

13 S T I P U L A T I O N

14 IT IS STIPULATED AND AGREED by and
15 between the parties through their respective
16 counsel, that the deposition of Jerry Leon
17 Dees, Jr., may be taken before Angela Smith
18 McGalliard, RPR, CRR, at the offices of
19 Freedom Court Reporting, at 416 S. Perry
20 Street, Montgomery, Alabama 36104, on the
21 20th day of November, 2007.
22

23 DEPOSITION OF JERRY LEON DEES, JR.



1 Marine Corps school.

2 Q. Were you ever disciplined for
3 anything while you were with the National
4 Guard?

5 A. No, sir. I know my job and
6 I'm very, very proud of the job I do, and
7 proud of the uniform I wear.

8 Q. Okay.

9 A. I've served my country two
10 different tours, combat tours, and I'm going
11 back again next year, and I'm going back
12 willingly.

13 Q. Going back where?

14 A. Iraq.

15 Q. Do you know what you're going
16 to do when you go?

17 A. Yes, sir, I do.

18 Q. What are you going to do?

19 A. Convoy security. Most
20 dangerous job you can have over there right
21 now.

22 Q. Okay. When are you leaving?

23 A. We won't know that until they

1 feel we have the need to know. There's
2 three companies from my battalion going,
3 217th, 214th, 1165th.

4 Q. And in addition to not being
5 disciplined while you were in the military,
6 I assume you were never court martialed for
7 anything?

8 A. No, sir. No Article 15, no
9 letters of counseling, no letters of
10 reprimand. I come -- I know what my duty
11 is, and, like I said, I fulfill that duty.
12 I take care of my soldiers and my soldiers
13 take care of me. That's all I've ever
14 known, that's what I like, and I'm good at
15 it.

16 Q. Now, earlier you used a term I
17 want to clear up, you said MOS, that stands
18 for Military Occupational Skill; correct?

19 A. Yes, sir. I don't remember
20 using it, but that's what it stands for.

21 Q. I think you used it.

22 Your military occupational
23 skill, would that be military police?